

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.525 of 2018

In
Letters Patent Appeal No.2044 of 2016

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Jitendra Ram son of Sri Laxman Ram, Resident of Village-Agahara, Police Station-Amrath, District Jamui.

... .. Petitioner/Appellant

Versus

1. The State of Bihar.
2. The Principal Secretary, General Administration Department, Bihar, Patna.
3. The Principal Secretary, Finance Department, Bihar, Patna.
4. The Divisional Commissioner, Munger Division, Munger.
5. The Chairman, District Selection Committee cum District Magistrate, Jamui.
6. The Deputy Development Commissioner, Jamui.
7. The In-charge Officer, Nazarat, Jamui.
8. The Senior Deputy Collector (Est.), Jamui.
9. The Sub-Divisional Magistrate, Jamui.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Kumar Kaushlendra Kashyap, Advocate
For the Opposite Party/s : Mr.P. K.Verma - AAG 3
Mr. Saroj Kumar Sharma, AC to AAG-3

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 10-04-2019 **Reg : I.A. No. 1 of 2019**

Heard learned counsel for the applicant and Sri P.K.
Verma, learned Additional Advocate General-3 for the State.

This review application has been filed after delay of
six months six days. Sufficient cause having been shown, we
condone the delay and treat the appeal to be within time.

Interlocutory Application No. 01 of 2019 stands
disposed off accordingly.



It has been urged that according to the information received by the applicant, under the letter dated 9th June 2018, the applicant has been informed of the old proforma being utilized for issuing the medical certificate as required.

The Division Bench had considered this aspect and come to the conclusion that the medical certificate supplied by the applicant, seeking employment under the physical handicapped category, was not under the requisite proforma as per the resolution of the Government of Bihar which had been enclosed along with the counter affidavit and was in vogue since the year 2007.

The applicant's counsel contends that there was no such proforma made available wherefrom the applicant had sought the certificate and, therefore, the stand taken by the State was incorrect and hence, there being an error apparent on the face of the record of the judgment, this review application deserves to be allowed.

Sri. P.K. Verma, learned Additional Advocate General-3, on the other hand, contends that had it been a case where the applicant was still being supplied a medical certificate on the old proforma keeping in view the fact that the certificate of applicant was of the year 2006, then in that event he could



have made a complaint to that effect but in the instant case the applicant was very much aware of the nature of the proforma which is utilized for such a medical certificate which was also appended with the counter affidavit filed before the writ court. In the circumstances, the conclusion drawn by the Division Bench does not suffer from any error apparent on the face of record.

We have considered the submissions raised and from the counter affidavit filed before the writ court, we find that the resolution in relation to the procedure that has to be followed for issuing a medical certificate, as contained in the decision dated 15th June, 2007 appendix '1' to the said resolution, is a proforma which is generically different from the proforma on which the applicant has been given the certificate. If the applicant was desirous, he could have again applied for a certificate under the proforma, the copy whereof was filed along with the counter affidavit before the writ court, but the applicant instead of applying for a certificate under the said proforma, has relied on the information given under the Right to Information Act after the order was passed by the Division Bench.

We are not impressed by this argument, inasmuch as, the applicant had an opportunity of getting a certificate under



the proforma of the Government of Bihar appended along with 2007 resolution which was part of the counter affidavit filed before the writ court. No attempt appears to have been made by the applicant to that effect and, therefore, this cannot be a ground to point out an error apparent on the face of record, so as to review the judgment.

In view of the aforesaid conclusion drawn, we do not find any error apparent on the face of the record.

This application is accordingly dismissed.

(Amreshwar Pratap Sahi, CJ)

(Rajeev Ranjan Prasad, J)

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